



New South Wales

# **State Environmental Planning Policy Amendment (Miscellaneous) 2022**

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP  
Minister for Planning

## **State Environmental Planning Policy Amendment (Miscellaneous) 2022**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy Amendment (Miscellaneous) 2022*.

### **2 Commencement**

This Policy commences on the day on which it is published on the NSW legislation website.

### **3 Repeal of Policy**

This Policy is repealed on the day following the day on which this Policy commences.

## **Schedule 1      Amendment of Environmental Planning Instruments**

### **1.1 Ashfield Local Environmental Plan 2013**

**[1] Clause 4.3A Exception to maximum height of buildings in Ashfield town centre**

Omit “affordable rental housing” wherever occurring in clause 4.3A(1) and (3).

Insert instead “affordable housing”.

**[2] Clause 4.3A(4)**

Omit the subclause.

### **1.2 Auburn Local Environmental Plan 2010**

**Clause 1.9 Application of SEPPs**

Omit “*Sydney Regional Environmental Plan No 24—Homebush Bay Area*” from clause 1.9(2).

Insert instead “*State Environmental Planning Policy (Precincts—Central River City) 2021, Chapter 4*”.

### **1.3 Ballina Local Environmental Plan 1987**

**Clause 33 Development of land at Henderson Farm, Lennox Head**

Omit “*State Environmental Planning Policy (Infrastructure) 2007*” from clause 33(3).

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021, Part 2.3, Division 25*”.

### **1.4 Ballina Local Environmental Plan 2012**

**[1] Clause 7.1 Acid sulfate soils**

Omit “(within the meaning of “*State Environmental Planning Policy (Coastal Management) 2018*”)” from clause 7.1(7)(d).

Insert instead “, within the meaning of *State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2*”.

**[2] Clause 7.10 Development for the purpose of stormwater management systems**

Omit “clause 110 of *State Environmental Planning Policy (Infrastructure) 2007*” from clause 7.10(3).

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021, Part 2.3, Division 25*”.

**[3] Clause 7.10(3), note**

Omit “clause 111 of *State Environmental Planning Policy (Infrastructure) 2007*”.

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021, section 2.138*”.

## 1.5 Balranald Local Environmental Plan 2010

### Clause 6.6 Development on riverbeds and banks

Omit “*State Environmental Planning Policy (Infrastructure) 2007*” from clause 6.6(2), note.

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2*”.

## 1.6 Bankstown Local Environmental Plan 2015

### Clause 4.4A Additional gross floor area for more sustainable development in Bankstown CBD commercial core

Omit “clause 13 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*” from clause 4.4A(5).

Insert instead “*State Environmental Planning Policy (Housing) 2021, section 17*”.

## 1.7 Bathurst Regional Local Environmental Plan 2014

### [1] Schedule 2 Exempt development

Omit “*State Environmental Planning Policy (Infrastructure) 2007*” from note 4.

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2*”.

### [2] Schedule 2, clause 28.2(14)

Omit “*State Environmental Planning Policy (Koala Habitat Protection) 2019*”.

Insert instead “*State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 3 or 4*”.

### [3] Schedule 2, Divisions 41 and 42

Omit “*State Environmental Planning Policy (Infrastructure) 2007*” wherever occurring.

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2*”.

### [4] Schedule 3 Complying development

Omit clause 1(1)(c)(i)–(iii). Insert instead—

- (i) *State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 3 or 4, or*
- (ii) *State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 3 or 4, and*

## 1.8 Bega Valley Local Environmental Plan 2002

### Clause 76 Contaminated land

Omit “the *State Environmental Planning Policy No 55—Remediation of Land*” from clause 76(2).

Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4*”.

## 1.9 Bellingen Local Environmental Plan 2010

### Clause 7.6 Development in the vicinity of identified mineral resource areas

Omit “clause 13 of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*” wherever occurring.

Insert instead “*State Environmental Planning Policy (Resources and Energy) 2021*, section 2.19”.

## 1.10 Blue Mountains Local Environmental Plan 2005

### Clause 89 Remediation of contaminated land

Omit “*State Environmental Planning Policy No 55—Remediation of Land*” from clause 89(3).

Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 4”.

## 1.11 Blue Mountains Local Environmental Plan 2015

### [1] Clause 6.16 Significant extractive resources

Omit “clause 13 of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*” wherever occurring.

Insert instead “*State Environmental Planning Policy (Resources and Energy) 2021*, section 2.19”.

### [2] Clause 6.22 Incentives for providing affordable rental housing

Omit “affordable rental housing” wherever occurring in the heading and clause 6.22(1).

Insert instead “affordable housing”.

### [3] Clause 6.22(6)

Omit “*State Environmental Planning Policy (Affordable Rental Housing) 2009*”.

Insert instead “*State Environmental Planning Policy (Housing) 2021*”.

### [4] Clause 6.24 Council infrastructure development

Omit “*State Environmental Planning Policy (Infrastructure) 2007*” from clause 6.24(2)(b).

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2”.

### [5] Schedule 2 Exempt development

Omit “*State Environmental Planning Policy (Koala Habitat Protection) 2020*” from the matter relating to **Fences on land in Zone E4 Environmental Living**, subclause (9).

Insert instead “*State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 3”.

## 1.12 Byron Local Environmental Plan 1988

### [1] Clause 39A Site remediation for certain land

Omit “*State Environmental Planning Policy No 55—Remediation of Land*” wherever occurring.

Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 4”.

**[2] Clause 94 Infrastructure development and use of existing buildings of the Crown**

Omit “*State Environmental Planning Policy (Infrastructure) 2007*” from clause 94(1).

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2”.

**[3] Clause 98A Development for the purpose of stormwater management systems and water reticulation systems**

Omit “clause 110 of *State Environmental Planning Policy (Infrastructure) 2007*” from clause 98A(4), definition of ***stormwater management system***.

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Part 2.3, Division 25”.

**[4] Clause 98A(4), definition of “water reticulation system”**

Omit “clause 124 of *State Environmental Planning Policy (Infrastructure) 2007*”.

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Part 2.3, Division 29”.

**[5] Clause 98A, note**

Omit “clauses 111 and 125, respectively, of *State Environmental Planning Policy (Infrastructure) 2007*”.

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.138 and 2.160”.

### **1.13 Byron Local Environmental Plan 2014**

**[1] Clause 6.1 Acid sulfate soils**

Omit “(within the meaning of *State Environmental Planning Policy (Coastal Management) 2018*)” from clause 6.1(7)(d).

Insert instead “, within the meaning of *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 2”.

**[2] Clause 6.12 Use of certain land at North Coast Rail Corridor, between Bayshore Drive and Lawson Street, Byron Bay**

Omit clause 6.12(5). Insert instead—

(5) In this clause—

***Coastal Wetlands and Littoral Rainforests Area Map*** has the same meaning as in *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 2.

***construction works*** means works or activities taken to be construction works for the purposes of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.

***emergency works, environmental management works*** and ***maintenance*** have the same meaning as in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.

*rail corridor* and *rail infrastructure facilities* have the same meaning as in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Part 2.3, Division 18.

*routine maintenance works* means works or activities taken to be routine maintenance works for the purposes of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.

**[3] Clause 6.13 Design excellence—Byron Bay town centre**

Omit “*State Environmental Planning Policy (State and Regional Development) 2011*” from clause 6.13(5)(c).

Insert instead “*State Environmental Planning Policy (Planning Systems) 2021*, Chapter 2”.

**[4] Schedule 2 Exempt development**

Omit “*State Environmental Planning Policy No 55—Remediation of Land*” from the matter relating to **Basic standards for all exempt development**, subclause (2)(c).

Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 4”.

**1.14 Canada Bay Local Environmental Plan 2013**

**Clause 1.9 Application of SEPPs**

Omit “*Sydney Regional Environmental Plan No 24—Homebush Bay Area*” from clause 1.9(2).

Insert instead “*State Environmental Planning Policy (Precincts—Central River City) 2021*, Chapter 4”.

**1.15 Clarence Valley Local Environmental Plan 2011**

**Clause 7.1 Acid sulfate soils**

Omit “(within the meaning of *State Environmental Planning Policy (Coastal Management) 2018*)” from clause 7.1(7)(c).

Insert instead “, within the meaning of *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 2”.

**1.16 Eurobodalla Local Environmental Plan 2012**

**Clause 1.9 Application of SEPPs**

Omit “*State Environmental Planning Policy No 50—Canal Estate Development*” from clause 1.9(3).

Insert instead “*State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 7”.

**1.17 Fairfield Local Environmental Plan 2013**

**[1] Clause 6.8 Infrastructure development—Council**

Omit “*State Environmental Planning Policy (Infrastructure) 2007*” from clause 6.8(2)(b).

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2”.

**[2] Schedule 2 Exempt development**

Omit “*State Environmental Planning Policy (Infrastructure) 2007*, clause 5(2)” from the matter relating to **Emergency works**, subclause (3).

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2”.

**1.18 Gosford Local Environmental Plan 2014**

**[1] Clause 1.3 Land to which Plan applies**

Omit “*State Environmental Planning Policy (Gosford City Centre) 2018*” from clause 1.3(1A), note.

Insert instead “*State Environmental Planning Policy (Precincts—Regional) 2021*, Chapter 5”.

**[2] Clause 7.5 Caravan parks and manufactured home estates**

Omit “*State Environmental Planning Policy No 36—Manufactured Home Estates*” from clause 7.5(5).

Insert instead “*State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 8”.

**[3] Clause 7.7 Affordable housing at 85–93 Karalta Road, Erina**

Omit “*State Environmental Planning Policy (Affordable Rental Housing) 2009*” from clause 7.7(7).

Insert instead “*State Environmental Planning Policy (Housing) 2021*”.

**1.19 Great Lakes Local Environmental Plan 2014**

**Clause 7.14 Significant extractive resources**

Omit “clause 13 of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*” wherever occurring.

Insert instead “*State Environmental Planning Policy (Resources and Energy) 2021*, section 2.19”.

**1.20 Hurstville Local Environmental Plan 1994**

**Clause 22B Remediation of contaminated land**

Omit “*State Environmental Planning Policy No 55—Remediation of Land*” from clause 22B(3).

Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 4”.

**1.21 Kempsey Local Environmental Plan 2013**

**Clause 7.1 Acid sulfate soils**

Omit “(within the meaning of *State Environmental Planning Policy (Coastal Management) 2018*)” from clause 7.1(7)(d).

Insert instead “, within the meaning of *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 2”.



## 1.22 Kiama Local Environmental Plan 1996

**[1] Clause 20A Residential “A” and “B” Zones—Development in the West Kiama Urban Release Area**

Omit “*State Environmental Planning Policy No 55—Remediation of Land*” from clause 20A(3).

Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4*”.

**[2] Clause 54 Development along arterial roads**

Omit “*State Environmental Planning Policy (Infrastructure) 2007*” from clause 54(1), note.

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2*”.

**[3] Clause 54(2)**

Omit “Schedule 3 to *State Environmental Planning Policy (Infrastructure) 2007*”.

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021, Schedule 3*”.

## 1.23 Ku-ring-gai Local Environmental Plan 2015

### Land Use Table

Omit “*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*” from Zone C3 Environmental Management, note.

Insert instead “*State Environmental Planning Policy (Resources and Energy) 2021, Chapter 2*”.

## 1.24 Kyogle Local Environmental Plan 2012

### Clause 6.3 Significant resources

Omit “clause 13 of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*” wherever occurring.

Insert instead “*State Environmental Planning Policy (Resources and Energy) 2021, section 2.19*”.

## 1.25 Lake Macquarie Local Environmental Plan 2004

**[1] Clauses 82(1), 103(1) and 129(1)**

Omit “the *State Environmental Planning Policy (Infrastructure) 2007*” wherever occurring.

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2*”.

**[2] Clause 152 Infrastructure development and use of existing buildings of the Crown**

Omit “*State Environmental Planning Policy (Infrastructure) 2007*” from clause 152(1).

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2*”.

**[3] Clause 155 Mining, petroleum production and extractive industries**

Omit “*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*”.

Insert instead “*State Environmental Planning Policy (Resources and Energy) 2021, Chapter 2*”.

**[4] Dictionary**

Omit “*State Environmental Planning Policy No 36—Manufactured Home Estates*” from the definition of **manufactured home estate**.

Insert instead “*State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 8*”.

## **1.26 Lake Macquarie Local Environmental Plan 2014**

### **Schedule 2 Exempt development**

Omit “clause 67 of the *State Environmental Planning Policy (Infrastructure) 2007*” from the matter relating to **Navigation and emergency response facilities**.

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021, Part 2.3, Division 15*”.

## **1.27 Lane Cove Local Environmental Plan 2009**

### **Clause 7.1 Development on land in St Leonards South Area**

Omit “clause 6(1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009*” from clause 7.1(5)(b).

Insert instead “*State Environmental Planning Policy (Housing) 2021, section 13*”.

## **1.28 Leichhardt Local Environmental Plan 2013**

### **Clause 6.21 Development of land at 469–483 Balmain Road, Lilyfield**

Omit “*State Environmental Planning Policy (Affordable Rental Housing) 2009*” from clause 6.21(9).

Insert instead “*State Environmental Planning Policy (Housing) 2021*”.

## **1.29 Lismore Local Environmental Plan 2012**

### **Clause 6.1 Acid sulfate soils**

Omit “(within the meaning of *State Environmental Planning Policy (Coastal Management) 2018*)” from clause 6.1(7)(d).

Insert instead “, within the meaning of *State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2*”.

## **1.30 Lithgow City Local Environmental Plan 1994**

### **Clause 30A Development within the hydrological catchment comprising intensive plant growing**

Omit “*State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*” from clause 30A(1).

Insert instead “*State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 8*”.

### 1.31 Liverpool Local Environmental Plan 2008

#### [1] Clause 3.2 Complying development

Omit “any plan of management approved under *State Environmental Planning Policy No 44—Koala Habitat Protection*” from clause 3.2(3A)(a).

Insert instead “an approved koala plan of management, within the meaning of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 4”.

#### [2] Clause 3.2(3A)(e)

Omit “*State Environmental Planning Policy No 55—Remediation of Land*”.

Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 4”.

### 1.32 Maitland Local Environmental Plan 2011

#### Clause 7.5 Significant extractive resources

Omit “clause 13 of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*” wherever occurring.

Insert instead “*State Environmental Planning Policy (Resources and Energy) 2021*, section 2.19”.

### 1.33 Manly Local Environmental Plan 2013

#### Clause 6.22 Development for the purposes of secondary dwellings in certain residential and environment protection zones

Omit clause 6.22(5), including the note. Insert instead—

(5) In this clause—

*development for the purposes of a secondary dwelling* has the same meaning as in *State Environmental Planning Policy (Housing) 2021*.

**Note—** See also *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 1.

### 1.34 Muswellbrook Local Environmental Plan 2009

#### Land Use Table

Omit “*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*” from Zone C3 Environmental Management, note.

Insert instead “*State Environmental Planning Policy (Resources and Energy) 2021*, Chapter 2”.

### 1.35 Nambucca Local Environmental Plan 2010

#### Clause 7.5 Development in the vicinity of identified mineral resource areas

Omit “clause 13 of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*” wherever occurring.

Insert instead “*State Environmental Planning Policy (Resources and Energy) 2021*, section 2.19”.

### **1.36 Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation)**

#### **Clauses 4(2) and 7(2)**

Omit “*State Environmental Planning Policy (Penrith Lakes Scheme) 1989*” wherever occurring.

Insert instead “*State Environmental Planning Policy (Precincts—Western Parkland City) 2021, Chapter 5*”.

### **1.37 Penrith Local Environmental Plan 2010**

#### **Clauses 3.3(2)(jc) and 7.1, note 2**

Omit “*Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)*” wherever occurring.

Insert instead “*State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 9*”.

### **1.38 Penrith Local Environmental Plan No 201 (Rural Lands)**

#### **Clause 4 Relationship to other environmental planning instruments**

Omit “*State Environmental Planning Policy (Penrith Lakes Scheme) 1989*” from clause 4(1)(e).

Insert instead “*State Environmental Planning Policy (Precincts—Western Parkland City) 2021, Chapter 5*”.

### **1.39 Penrith Local Environmental Plan No 255—Exempt and Complying Development**

#### **[1] Clause 2 Area covered by this plan**

Omit “*Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean (No 2—1997)*” wherever occurring.

Insert instead “*State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 9*”.

#### **[2] Clause 3 Relationship to other environmental planning instruments**

Omit clause 3(4). Insert instead—

- (4) This plan does not affect the application of the following environmental planning instruments to land to which this plan applies—
  - (a) *State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2,*
  - (b) *State Environmental Planning Policy (Resources and Energy) 2021, Chapter 3,*
  - (c) *State Environmental Planning Policy (Precincts—Western Parkland City) 2021, Chapter 5,*
  - (d) *State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 9.*

## **1.40 Penrith Local Environmental Plan No 258—Consent for Dwelling Houses and Other Development**

### **Clause 4 Relationship to other environmental planning instruments**

Omit clause 4(3). Insert instead—

- (3) This plan does not affect the application of the following environmental planning instruments to land to which this plan applies—
  - (a) *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2,
  - (b) *State Environmental Planning Policy (Resources and Energy) 2021*, Chapter 3,
  - (c) *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapters 5 and 6,
  - (d) *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 9,
  - (e) *Penrith Local Environmental Plan No 255—Exempt and Complying Development*.

## **1.41 Port Macquarie-Hastings Local Environmental Plan 2011**

### **[1] Clause 7.5 Koala habitat**

Omit clause 7.5(3). Insert instead—

- (3) Development consent must not be granted for development on the land unless the consent authority is satisfied that the development is consistent with an approved koala plan of management, within the meaning of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 4.

### **[2] Schedule 2 Exempt development**

Omit “Secretary of the Department of Planning and Environment for the purpose of Schedule 1 to the *State Environmental Planning Policy (Infrastructure) 2007*” from the matter relating to **Signage—Council-owned public roads and road-related areas**, subclause (2).

Insert instead “Planning Secretary for the purposes of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Schedule 1”.

## **1.42 Queanbeyan Local Environmental Plan 1991**

### **Clause 46 Advertising structures and displays requiring development consent**

Omit “*State Environmental Planning Policy No 64—Advertising and Signage*” from clause 46(2).

Insert instead “*State Environmental Planning Policy (Industry and Employment) 2021*, Chapter 3”.

## **1.43 Queanbeyan Local Environmental Plan 1998**

### **[1] Clause 51 Advertising structures and displays requiring development consent**

Omit “*State Environmental Planning Policy No 64—Advertising and Signage*” from clause 51(2).

Insert instead “*State Environmental Planning Policy (Industry and Employment) 2021*, Chapter 3”.

**[2] Clause 77 Land which may be contaminated by virtue of previous development**

Omit “clause 7 of *State Environmental Planning Policy No 55—Remediation of Land*”.

Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021*, section 4.6”.

**[3] Dictionary**

Omit “Part 3A of *State Environmental Planning Policy (Affordable Rental Housing) 2009*” from the definition of **tourist facilities**.

Insert instead “*State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 6”.

**1.44 Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012**

**Clause 7.4 Land adjoining Hume Industrial Area and Goulburn/Bombala Railway Line**

Omit “Clause 87 (Impact of rail noise or vibration on non-rail development) of the *State Environmental Planning Policy (Infrastructure) 2007*” from clause 7.4(3), note.

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021*, section 2.101”.

**1.45 Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013**

**Clause 6.7 Land adjoining Hume Industrial Area and Goulburn/Bombala Railway Line**

Omit “Clause 87 (Impact of rail noise or vibration on non-rail development) of the *State Environmental Planning Policy (Infrastructure) 2007*” from clause 6.7(3), note.

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021*, section 2.101”.

**1.46 Richmond Valley Local Environmental Plan 2012**

**Clause 6.1 Acid sulfate soils**

Omit “(within the meaning of *State Environmental Planning Policy (Coastal Management) 2018*)” from clause 6.1(7)(d).

Insert instead “, within the meaning of *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 2”.

**1.47 Shellharbour Local Environmental Plan 2013**

**Clause 6.10 Significant mineral resources**

Omit “clause 13 of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*” wherever occurring.

Insert instead “*State Environmental Planning Policy (Resources and Energy) 2021*, section 2.19”.

**1.48 Shellharbour Rural Local Environmental Plan 2004**

**Clause 73 Infrastructure development and use of existing buildings of the Crown**

Omit “*State Environmental Planning Policy (Infrastructure) 2007*” from clause 73(1).

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2”.

#### **1.49 Shoalhaven Local Environmental Plan 1985**

##### **Clause 24A Development within the Sydney drinking water catchment comprising intensive plant growing**

Omit “*State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*” from clause 24A(1).

Insert instead “*State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 8”.

#### **1.50 Shoalhaven Local Environmental Plan 2014**

##### **Clause 7.12 Council infrastructure development**

Omit “*State Environmental Planning Policy (Infrastructure) 2007*” from clause 7.12(2)(b).

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2”.

#### **1.51 South Sydney Local Environmental Plan 1998**

##### **[1] Clause 2 Area covered by this plan**

Omit clause 2(1)(a) and (b). Insert instead—

- (a) land to which *State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021*, Chapter 4 or 7 applies,

##### **[2] Clause 27M Definitions**

Omit “clause 8 of *State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)*” from the definition of **very low income households**.

Insert instead “*State Environmental Planning Policy (Housing) 2021*, section 13”.

##### **[3] Clause 27O Matters for consideration by consent authority**

Omit clause 27O(1)(c). Insert instead—

- (c) the matters set out in *State Environmental Planning Policy (Housing) 2021*, section 15,

##### **[4] Clause 29 Subdivision of land**

Omit “Part 3 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*” from clause 29(2)(a).

Insert instead “*State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 3”.

#### **1.52 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

##### **[1] Clause 1.4 Land to which Policy applies**

Omit “*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007*” from clause 1.4(2)(a).

Insert instead “*State Environmental Planning Policy (Precincts—Regional) 2021*, Chapter 4”.

- [2] **Clause 1.4(2)(b)**  
Omit “*State Environmental Planning Policy (Western Sydney Parklands) 2009*”.  
Insert instead “*State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 7”.
- [3] **Clause 1.4A Development to which Policy does not apply**  
Omit “Part 3 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*”.  
Insert instead “*State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 3”.
- [4] **Clause 1.5 Interpretation—general**  
Omit “Schedule 1 to *State Environmental Planning Policy (Coastal Management) 2018*” from clause 1.5(1), definition of **environmentally sensitive area**, paragraph (b).  
Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021*, Schedule 1”.
- [5] **Clause 1.5(1), definition of “environmentally sensitive area”, paragraph (c)**  
Omit “(within the meaning of *State Environmental Planning Policy (Coastal Management) 2018*)”.  
Insert instead “, within the meaning of *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 2”.
- [6] **Clause 1.8 Relationship with other State environmental planning policies**  
Omit “*State Environmental Planning Policy (Infrastructure) 2007*” wherever occurring.  
Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2”.
- [7] **Clause 1.8(3)**  
Omit “*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*”.  
Insert instead “*State Environmental Planning Policy (Resources and Energy) 2021*, Chapter 2”.
- [8] **Clause 1.8(4)**  
Omit “*State Environmental Planning Policy (Affordable Rental Housing) 2009*”.  
Insert instead “*State Environmental Planning Policy (Housing) 2021*”.
- [9] **Clause 1.16 General requirements for exempt development**  
Omit “*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*” from clause 1.16(3)(b), example.  
Insert instead “*State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2”.
- [10] **Clause 1.18 General requirements for complying development under this Policy**  
Omit “*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*” from clause 1.18(1)(h), note.  
Insert instead “*State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2”.



- [11] Clauses 1.19(1)(j)(i), (4)(a) and (5)(i)(i), 2.32A(1)(d) and 2.32C(1)(d)**  
Omit “*State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*” wherever occurring.  
Insert instead “*State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 8*”.
- [12] Part 2, Division 1, Subdivision 37 Skylights, roof windows and ventilators**  
Omit “Division 4 of Part 3 of *State Environmental Planning Policy (Infrastructure) 2007*” from the note.  
Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021, Part 2.3, Division 5*”.
- [13] Clause 2.125 Specified development**  
Omit “*State Environmental Planning Policy (State and Regional Development) 2011*” wherever occurring.  
Insert instead “*State Environmental Planning Policy (Planning Systems) 2021, Chapter 2*”.
- [14] Clause 3B.2 Development that is not complying development under this code**  
Omit “development that is in-fill affordable housing within the meaning of Division 1 of Part 2 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*” from clause 3B.2(h).  
Insert instead “development to which *State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1* applies”.
- [15] Clause 8.2 Specified development**  
Omit “(within the meaning of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*)” from clause 8.2(a).  
Insert instead “, within the meaning of the Standard Instrument”.
- [16] Schedule 3 Complying development codes—variations**  
Omit “*State Environmental Planning Policy No 55—Remediation of Land*” wherever occurring in the matter relating to **Lake Macquarie**.  
Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4*”.
- [17] Schedule 3, matter relating to “Riverstone Scheduled Lands”**  
Omit “(within the meaning of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*)”.  
Insert instead “, within the meaning of *State Environmental Planning Policy (Precincts—Central River City) 2021, Appendix 7*”.
- [18] Schedule 3, matter relating to “Riverstone Scheduled Lands”**  
Omit “the provisions of Appendix 4 (Alex Avenue and Riverstone Precinct Plan 2010) to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*”.  
Insert instead “*State Environmental Planning Policy (Precincts—Central River City) 2021, Appendix 7*”.

### 1.53 Sutherland Shire Local Environmental Plan 2006

**[1] Clause 79 Infrastructure development and use of existing buildings of the Crown**

Omit “*State Environmental Planning Policy (Infrastructure) 2007*” from clause 79(1).

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2*”.

**[2] Dictionary**

Omit “*State Environmental Planning Policy No 55—Remediation of Land*” from the definition of **contaminated risk land**.

Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4*”.

### 1.54 Sutherland Shire Local Environmental Plan 2015

**[1] Clause 1.8 Repeal of planning instruments applying to land**

Omit “*State Environmental Planning Policy (Kurnell Peninsula) 1989*” from clause 1.8(2), note.

Insert instead “*State Environmental Planning Policy (Precincts—Central River City) 2021, Chapter 5*”.

**[2] Clause 6.14 Landscaped areas in certain residential, business, industrial and environment protection zones**

Omit “Part 3 of the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*” from clause 6.14(4)(a).

Insert instead “*State Environmental Planning Policy (Biodiversity and Conservation) 2021, Part 2.3*”.

**[3] Schedule 2 Exempt development**

Omit “*State Environmental Planning Policy (Koala Habitat Protection) 2019*” from the matter relating to **Fences (other than swimming pool fences) in Zone E4**, subclause (5).

Insert instead “*State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 3 or 4*”.

**[4] Schedule 3 Complying development**

Omit “Part 3 of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*” wherever occurring.

Insert instead “*State Environmental Planning Policy (Biodiversity and Conservation) 2021, Part 2.3*”.

### 1.55 Sydney Local Environmental Plan 2005

**[1] Clause 118 Definitions**

Omit “clause 8 of *State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)*” from the definition of **very low income households**.

Insert instead “*State Environmental Planning Policy (Housing) 2021, section 13*”.

**[2] Clause 119 What are the affordable housing principles?**

Omit the clause.

**[3] Clause 120 Matters for consideration by consent authority**

Omit clause 120(b). Insert instead—

- (b) the matters set out in *State Environmental Planning Policy (Housing) 2021*, section 15,

### **1.56 Sydney Local Environmental Plan 2012**

**[1] Clause 6.54 17–31 Cowper Street and 2A–2D Wentworth Park Road, Glebe**

Omit “*State Environmental Planning Policy (Affordable Rental Housing) 2009*” from clause 6.54(3)(c).

Insert instead “*State Environmental Planning Policy (Housing) 2021*”.

**[2] Clause 7.13A Affordable housing in Zone B7**

Omit “the *State Environmental Planning Policy (Affordable Rental Housing) 2009*” from clause 7.13A(1)(b).

Insert instead “*State Environmental Planning Policy (Housing) 2021*”.

### **1.57 Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2011**

**[1] Land Use Table**

Omit the note. Insert instead—

**Note—** State environmental planning policies, including the following, may be relevant to development on land to which this Plan applies—

*State Environmental Planning Policy (Housing) 2021*

*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2—relating to infrastructure facilities, including air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

*State Environmental Planning Policy (Resources and Energy) 2021*, Chapter 2

*State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 3

*State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 7

*State Environmental Planning Policy (Industry and Employment) 2021*, Chapter 3

*State Environmental Planning Policy (Primary Production) 2021*, Chapter 2

**[2] Clause 5.12 Infrastructure development and use of existing buildings of the Crown**

Omit “*State Environmental Planning Policy (Infrastructure) 2007*” from clause 5.12(1).

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2”.

**[3] Dictionary**

Omit “Schedule 1 to *State Environmental Planning Policy (Coastal Management) 2018*” from the definition of *coastal lake*.

Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021*, Schedule 1”.

### **1.58 Sydney Local Environmental Plan (Green Square Town Centre) 2013**

**[1] Land Use Table**

Omit the note. Insert instead—

**Note**— State environmental planning policies, including the following, may be relevant to development on land to which this Plan applies—

*State Environmental Planning Policy (Housing) 2021*

*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2—relating to infrastructure facilities, including air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

*State Environmental Planning Policy (Resources and Energy) 2021*, Chapter 2

*State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 3

*State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 7

*State Environmental Planning Policy (Industry and Employment) 2021*, Chapter 3

*State Environmental Planning Policy (Primary Production) 2021*, Chapter 2

**[2] Clause 5.12 Infrastructure development and use of existing buildings of the Crown**

Omit “*State Environmental Planning Policy (Infrastructure) 2007*” from clause 5.12(1).

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2”.

**[3] Dictionary**

Omit “Schedule 1 to *State Environmental Planning Policy (Coastal Management) 2018*” from the definition of *coastal lake*.

Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021*, Schedule 1”.

**1.59 Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013**

**[1] Land Use Table**

Omit the note. Insert instead—

**Note**— State environmental planning policies, including the following, may be relevant to development on land to which this Plan applies—

*State Environmental Planning Policy (Housing) 2021*

*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2—relating to infrastructure facilities, including air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

*State Environmental Planning Policy (Resources and Energy) 2021*, Chapter 2

*State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 3

*State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 7

*State Environmental Planning Policy (Industry and Employment) 2021*, Chapter 3

*State Environmental Planning Policy (Primary Production) 2021*, Chapter 2

**[2] Clause 5.12 Infrastructure development and use of existing buildings of the Crown**

Omit “*State Environmental Planning Policy (Infrastructure) 2007*” from clause 5.12(1).

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2”.

**[3] Dictionary**

Omit “Schedule 1 to *State Environmental Planning Policy (Coastal Management) 2018*” from the definition of *coastal lake*.

Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021, Schedule 1*”.

### **1.60 Tweed Local Environmental Plan 2000**

**[1] Clauses 10(2)(c)(v) and 53C(5)(d)(i)**

Omit “(within the meaning of *State Environmental Planning Policy (Coastal Management) 2018*)” wherever occurring.

Insert instead “, within the meaning of *State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2*”.

**[2] Clauses 39(2), 53D(2)(b) and (8) and 53G(2)(d)**

Omit “*State Environmental Planning Policy No 55—Remediation of Land*” wherever occurring.

Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4*”.

**[3] Clause 53D Specific provisions for Terranora Urban Release Area E**

Omit “Clause 7 (1) of *State Environmental Planning Policy No 55—Remediation of Land*” from clause 53D(4), note.

Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021, section 4.6*”.

### **1.61 Tweed Local Environmental Plan 2014**

**[1] Clause 7.1 Acid sulfate soils**

Omit “(within the meaning of “*State Environmental Planning Policy (Coastal Management) 2018*)” from clause 7.1(7)(d).

Insert instead “, within the meaning of *State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2*”.

**[2] Clause 7.11 Council infrastructure development**

Omit “*State Environmental Planning Policy (Infrastructure) 2007*” from clause 7.11(2)(b).

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2*”.

### **1.62 Upper Lachlan Local Environmental Plan 2010**

**Clause 3.2 Complying development**

Omit “*State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*” from clause 3.2(3)(cb).

Insert instead “*State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 8*”.

### **1.63 Warringah Local Environmental Plan 2000**

**[1] Clause 49 Remediation of contaminated land**

Omit “*State Environmental Planning Policy No 55—Remediation of Land*”.

Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 4”.

**[2] Schedule 1 Exempt development**

Omit “Part 3 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*” from the matter relating to “STRATA SUBDIVISION” in the Table.

Insert instead “*State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 3”.

### **1.64 Warringah Local Environmental Plan 2011**

#### **Clause 6.10 Development for the purposes of secondary dwellings in Zones R2 and R3**

Omit “Division 2 of Part 2 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*” from clause 6.10, note.

Insert instead “*State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 1”.

### **1.65 Waverley and Woollahra Joint Local Environmental Plan 1991—Bondi Junction Commercial Centre**

#### **Clause 13 Subdivision of land**

Omit “Part 3 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*” from clause 13(2).

Insert instead “*State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 3”.

### **1.66 Willoughby Local Environmental Plan 2012**

**[1] Clause 4.4 Floor space ratio**

Omit “Division 1 of Part 2 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*” from clause 4.4(2C).

Insert instead “*State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 2, Division 1”.

**[2] Clause 6.8 Affordable housing**

Omit clause 6.8(2), note.

Insert instead—

**Note—** The matters set out in *State Environmental Planning Policy (Housing) 2021*, section 15 may also apply to the development.

**[3] Clause 6.18 Council infrastructure development**

Omit “*State Environmental Planning Policy (Infrastructure) 2007*” from clause 6.18(2)(b).

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2”.

### **1.67 Wingecarribee Local Environmental Plan 2010**

#### **Clause 7.3 Earthworks**

Omit “*State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*” from clause 7.3(2A)(b).

Insert instead “*State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 8”.

## **1.68 Wollongong Local Environmental Plan 2009**

### **[1] Land Use Table**

Omit “(within the meaning of *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*)” from Zone C2 Environmental Conservation, item 1.

Insert instead “, within the meaning of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 8,”.

### **[2] Clause 3.2 Complying development**

Omit “the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*” from clause 3.2(4A)(d).

Inset instead “*State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 8”.

## **1.69 Wyong Local Environmental Plan 2013**

### **Clause 7.10 Council infrastructure development**

Omit “*State Environmental Planning Policy (Infrastructure) 2007*” from clause 7.10(2)(b).

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2”.